

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re HARBINGER CAPITAL PARTNERS
FUNDS INVESTOR LITIGATION

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) Case No. 12-CV-1244-AJN

) ECF CASE
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NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law the Declaration of Rachel M. Cherington and the exhibits thereto, Defendants Harbert Management Corporation and Harbert Fund Advisors, Inc. will move this Court, at the Daniel Patrick Moynihan United States Courthouse located at 500 Pearl Street, New York, New York 10007, at a date and time to be determined by the Court, for an order dismissing Plaintiffs' Third Amended Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) and 9(b).

Dated: October 25, 2012
New York, New York

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